



DAC/JFW

TECHNOLOGY CENTER/ART UNIT 3732

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: :
Croop et al. :
Serial No.: 10/677,195 : Group Art Unit: 3732
Filed: 10-02-03 : Examiner: Todd E. Manahan
For: SELF CLEANING DENTAL MIRROR :

PETITION TO WITHDRAW

HOLDING OF ABANDONMENT

Commissioner of Patents
P.O. Box 1450
Alexandria, VA 22313-1450

In response to the Notice of Abandonment mailed on October 13, 2006, and received by the undersigned representative on October 16, 2006, the applicants respectfully petition the Director that such Notice of Abandonment be withdrawn pursuant to 37 CFR 1.181(a). The applicants assert that such application was not abandoned, and further assert that a complete and timely reply was filed to the office action dated December 29, 2005.

Specifically, the applicants assert that a response was faxed and mailed, first class postage prepaid on May 11, 2006. There apparently is no dispute that the substantive response was received by the Patent Office, such being the statement of Examiner Manahan in a telephone conference with the undersigned on October 17, 2006. Examiner Manahan further explained that it appeared that no extension fee had been received accompanying the response, so no extension was granted. The applicants respectfully assert that they requested the necessary extension in the

5

substantive response (see first paragraph under "REMARKS") and they attempted to pay the required extension fee by enclosing a check from the representative along with the substantive response (see photocopy of check number 2095). An affidavit from the undersigned representative is attached that swears that such response, including the required fee, was filed with a Certificate of Mailing compliant with 37 CFR 1.8(b)(3), and that such statement is made on a personal knowledge basis. Further, the affidavit attaches a true and accurate copy of the full response, including (1) a request for an extension of time; (2) a statement that the required late filing fee is enclosed therewith, and (3) a copy of the check number 2095 accompanying the response, the check having been written on May 11, 2006, the mailing date of the response. The affiant further states that, after receiving the Notice of Abandonment, he had reviewed his checking account records and discovered that check number 2095 had never been cashed. As further evidence of its timeliness, the affiant further points out that check number 2094, preceding the applicants' extension fee check, was written on May 2, 2006, and cleared on May 3, 2006, and, check number 2096, succeeding the applicants' extension fee check, was written on May 23, 2006 and cleared on June 1, 2006.

The affiant further asserts that, because an office action responsive to the May 11, 2006 amendment had not been received, on two separate occasions, including September 26, 2006, and an unrecorded date in July, 2006, he contacted Examiner Manahan and was advised that the response had been received at the Patent Office but it had not yet been placed on the Examiner's amendment docket. In both instances, the affiant reasonably believed the full response, including check 2095 for the extension fee, had been received.

In light of the foregoing, and the attached affidavit and attachments, the applicants request that the Notice of Abandonment be withdrawn and prosecution on the subject application

be resumed. The applicants enclose herewith check number 2123 in substitution for check number 2095, to pay for the required extension fee to make the 5/11/06 response timely.

Respectfully submitted,



R. CHRISTIAN MACKE
Patent Attorney
Registration Number 37,667
40 East 10th Street
Newport, KY 41071
Phone:(859) 261-0012
FAX: (859)441-0857

CERTIFICATE OF MAILING

I hereby certify that this correspondence is being faxed to the Central FAX 1(571)273-8300 and deposited with the United States Postal Service as first class mail in an envelope addressed to: Commissioner of Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on this 30 th day of October, 2006.

October 30, 2006



DATE

R. CHRISTIAN MACKE



TECHNOLOGY CENTER/ART UNIT 3732

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of :
Croop et al. :
Serial No.: 10/677,195 : Group Art Unit: 3732
Filed: 10-02-03 : Examiner: Todd E. Manahan
For: SELF CLEANING DENTAL MIRROR :

AFFIDAVIT IN SUPPORT OF PETITION

TO WITHDRAW HOLDING OF ABANDONMENT

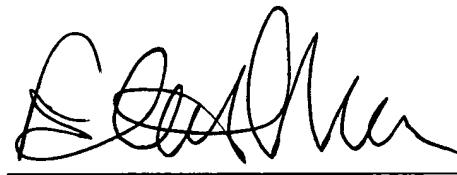
Comes the undersigned, having been first duly cautioned and sworn, and states the following:

1. I am a licensed practitioner before the United States Patent Office, Registration Number 37,667.
2. I am the representative in application serial number 10/677,195.
3. I have personal knowledge that a substantive response was faxed on 5/11/06. I also have personal knowledge that the substantive response, along with check 2096 for \$225 to cover an extension fee, was mailed via first class mail, postage prepaid, on May 11, 2006. I personally signed the Certificate of Mailing, put the contents into the envelope and am personally aware that check number 2095 was enclosed therewith.
4. The copy of the 5/11/06 amendment and response attached hereto is a true and accurate copy of the response, and the copy of check 2095 dated 5/11/06 is a true and accurate copy of the photocopy that I retained in my file when the response was mailed..

5. The copies of my bank statements from May and June, 2006, are true and accurate copies and reflect that check number 2094 was written on May 2, 2006, and cleared on May 3, 2006, and check number 2096 was written on May 23, 2006 and cleared on June 1, 2006.

6. Until I received the Notice of Abandonment, I believed the full response dated 5/11/2006 had been received by the Patent Office, including the check for the extension fee. Only then did I realize the check had never been negotiated.

FURTHER THE AFFIANT SAYETH NAUGHT.



R. CHRISTIAN MACKE

State of _____

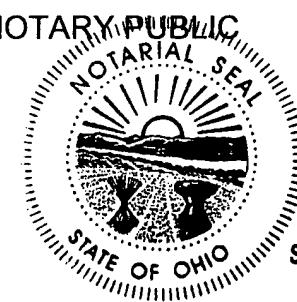
County of _____

Sworn to before me and subscribed to in my presence this 30 day of

October, 2006.

My Commission expires:

Krista Paolucci



KRISTA PAOLUCCI
ATTORNEY AT LAW
NOTARY PUBLIC
STATE OF OHIO
My Comm. Has no
Expiration Date
Section 147.03 R. C.

The PTO did not receive the following
listed items(s) Copies of Bank Statement
& returned to customer